

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stephen Abrams-Downey	Team: Squad #1	CCRB Case #: 201501321	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 02/19/2015 12:50 AM	Location of Incident: § 87(2)(b)	Precinct: 46	18 Mo. SOL 8/19/2016	EO SOL 8/19/2016	
Date/Time CV Reported Thu, 02/19/2015 1:02 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 02/24/2015 11:10 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Kristi Skehill	12014	953413	046 PCT
2. POM Michael Romanello	02483	952185	046 PCT
3. POM Anthony Donato	07509	948904	046 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Evan Johnson	11101	949143	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Anthony Donato	Abuse: PO Anthony Donato entered § 87(2)(b) the Bronx.	§ 87(2)(b)
B.POM Michael Romanello	Abuse: PO Michael Romanello entered § 87(2)(b) the Bronx.	§ 87(2)(b)
C.POF Kristi Skehill	Abuse: PO Kristi Skehill entered § 87(2)(b) the Bronx.	§ 87(2)(b)
D.POM Anthony Donato	Abuse: PO Anthony Donato interfered with § 87(2)(b)'s ability to record the incident.	§ 87(2)(b)
E.POM Anthony Donato	Abuse: PO Anthony Donato drew his gun.	§ 87(2)(b)
F.POM Anthony Donato	Abuse: PO Anthony Donato refused to provide his name to § 87(2)(b)	§ 87(2)(b)

Case Summary

§ 87(2)(b) filed this complaint by phone with IAB on February 19, 2015. The complaint was referred to the CCRB on February 24, 2015 via IAB Log No. 15-4550 (Board Review 01, 02).

At approximately 12:50 a.m. on February 19, 2015, § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b)'s brother § 87(2)(b) who were both of unknown ages, were inside § 87(2)(b)'s apartment at § 87(2)(b), in the Bronx. § 87(2)(b) heard a knock on the door and an individual said he was a police officer. § 87(2)(b) opened the front door and saw three uniformed officers, identified as PO Anthony Donato, PO Kristi Skehill, and PO Michael Romanello of the 46th Precinct, standing in the hallway. PO Donato said that he had received a report that parents had been using drugs in front of their children. § 87(2)(b) replied that he had not used any drugs and that there were no children in this apartment. PO Donato then asked to enter the apartment. When § 87(2)(b) said that he could not do this without a warrant, PO Donato placed both his hands on § 87(2)(b)'s chest and pushed him back six inches. All three officers then walked into the apartment (**Allegations A, B, and C**). § 87(2)(b) took out his phone to record the incident, but PO Donato allegedly said, "Put that fucking phone down" (**Allegation D**). PO Donato then allegedly removed his gun from its holster and walked down a hallway towards the apartment's bedrooms (**Allegation E**). After two to three minutes, PO Donato returned to the living room and walked to the front door. § 87(2)(b) asked PO Donato for his name and the officer allegedly replied, "Miller these nuts" (**Allegation F**). PO Donato, PO Skehill, and PO Romanello then left the apartment and § 87(2)(b) did not have any further interactions with them. § 87(2)(b) and § 87(2)(b) were not arrested or issued summonses during this incident. Contact attempts were made to § 87(2)(b) and § 87(2)(b) but they were uncooperative and did not provide statements to the CCRB (See IAs for contact attempts Board Review 03; § 87(2)(b)'s statement Board Review 04).

Mediation, Civil, and Criminal Histories

§ 87(2)(b) did not wish to pursue mediation in this case because § 87(2)(b). As of July 14, 2015, § 87(2)(b) has not filed a notice of claim regarding this incident (Board Review 05). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving § 87(2)(b) or § 87(2)(b) (Board Review 10, 11, 12, 13).
- PO Donato has been a member of the NYPD for five years. He has had thirty-eight allegations made against him as part of twelve previous cases. These allegations include one entry allegation and two refusal to provide name allegations. In case 201108564, a refusal to provide name and shield allegation was substantiated against PO Donato (Board Review 14)
- PO Romanello has been a member of the NYPD for three years. He has had two allegations made against him as part of two previous cases. § 87(2)(g)

- PO Skehill has been a member of the NYPD for three years. She has had two other allegations made against her as part of one previous case. § 87(2)(g)

Findings and Recommendations

Allegations Not Pleaded

§ 87(2)(b) stated that PO Donato spoke discourteously on two occasions during this incident. First, PO Donato allegedly told § 87(2)(b) to “put that fucking phone down.” Second, PO Donato allegedly responded to § 87(2)(b) s request for his name by saying, “Miller these nuts.” § 87(2)(g)

Allegation A—Abuse of Authority: PO Anthony Donato entered § 87(2)(b), the Bronx.

Allegation B—Abuse of Authority: PO Michael Romanello entered § 87(2)(b), the Bronx.

Allegation C—Abuse of Authority: PO Kristi Skehill entered § 87(2)(b), the Bronx.

It is undisputed that PO Donato, PO Romanello, and PO Skehill entered § 87(2)(b) during this incident. It is also undisputed that the officers arrived at the location in response to a 911 call from the building’s manager, who reported possible child abuse and child abandonment inside the apartment, in addition to children of unknown ages using narcotics (Board Review 17).

§ 87(2)(g) PO Donato testified that he heard a single voice scream in the back of the apartment. PO Donato stated that this noise, coupled with the information provided in the 911 report, gave him reason to believe that someone may have been in danger inside the apartment. PO Donato then entered the apartment and walked down a hallway, where he saw two young women frolicking inside a bedroom. One of the women repeated the noise PO Donato had heard earlier and he left the apartment, having determined that no one was in distress (Board Review 18).

PO Romanello’s § 87(2)(g) stated he heard a scream come from inside the apartment. PO Romanello said that entered the apartment, but remained near the front door while PO Donato walked into the back bedroom. He did not interact with the women mentioned by PO Donato (Board Review 19). PO Skehill did not have any independent recollection of this incident and could describe the circumstances leading up to the entry (Board Review 20).

§ 87(2)(b) however, testified that he, § 87(2)(b) and § 87(2)(b) were the only individuals inside the apartment. He did not refer to any women. § 87(2)(b) also did not describe any screams or any other noises in his statement. § 87(2)(g)

Three criteria must be met to justify a warrantless entry by the police into a residence pursuant to an emergency: “The police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life and property. The entry must not be primarily motivated by intent to arrest or seize evidence. There must be some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched.” People v. Mitchell, 39N.Y.d173 (1976) (Board Review 21).

§ 87(2)(g)

Allegation D—Discourtesy: PO Anthony Donato interfered with § 87(2)(b) s ability to record the incident.

In his CCRB statement, § 87(2)(b) testified that § 87(2)(b) took out his cellphone to record the incident soon after PO Donato, PO Romanello, and PO Skehill entered the apartment. In response, PO Donato allegedly told § 87(2)(b) to “put that fucking phone down.” According to § 87(2)(b) § 87(2)(b) complied with this command and did not record the incident.

PO Donato testified that he did not see any individuals take out a cellphone to record the incident. He also denied telling anyone to “put that fucking phone down.” PO Romanello stated that he did not recall if anyone attempted to record the incident on a cellphone. He also testified that he did not hear PO Donato say, “Put that fucking phone down.”

§ 87(2)(g)

Allegation E—Abuse of Authority: PO Anthony Donato drew his gun.

§ 87(2)(b) alleged that PO Donato removed his firearm from its holster shortly after he entered the apartment and before he walked down the hallway, towards the bedrooms. According to § 87(2)(b) PO Donato did not point the gun at anyone, but kept it at his side.

PO Donato stated that he did not take his gun out of his holster at any point in the incident. PO Romanello testified that he did not draw his gun and he did not see either of his officers do this.

§ 87(2)(g)

Allegation F—Abuse of Authority: PO Anthony Donato refused to provide his name to

§ 87(2)(b)

§ 87(2)(b) stated that he asked PO Donato for his name as the three officers walked out of the apartment. PO Donato allegedly replied that his name was Miller. § 87(2)(b) testified that he then asked PO Donato for his first name. According to § 87(2)(b) PO Donato replied, “Miller these nuts.” All three officers then left the apartment and § 87(2)(b) stated that he did not record PO Donato’s identifying information.

In his CCRB statement, PO Donato stated that § 87(2)(b) did not ask him for his name. PO Donato also denied using the phrase, “Miller these nuts.” PO Romanello did not recall if § 87(2)(b) asked PO Donato for his name. He did not hear PO Donato say, “Miller these nuts.”

§ 87(2)(g)

Pod:

Investigator: _____
Signature Print Date

Pod Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date